

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**HENRY CLINE,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**CASE NO. 8:10CR20**

**ORDER**

This matter is before the Court on the Defendant's motion to appoint counsel (Filing No. 49), filed through counsel, for purposes of preparing his motion under 28 U.S.C. § 2255.

Motions filed under § 2255 are filed pro se and without payment of a filing fee. After reviewing the appropriate statutes and rules, if the Defendant deems it necessary he may move for in forma pauperis status and appointment of counsel when he files his § 2255 motion. When the Court reviews his § 2255 motion on initial review, the Court will determine such issues raised together with the § 2255 motion. Counsel may not be appointed to assist with the initial filing of a § 2255 motion. For these reasons, the motion is denied as premature.

IT IS ORDERED that the Defendant's motion for appointment of counsel (Filing No. 49) is denied.

DATED this 23<sup>rd</sup> day of June, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge